

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

Metodio Cruz Gallegos, Sr.

(b) County of Residence of First Listed Plaintiff **Cameron County, Texas**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Frank W. Robertson; Michael Gomez; Philip K Broderick  
Jim S. Adler & Associates; 12605 East Freeway, Suite  
400: Houston, Texas 77015: 713-335-1021

### DEFENDANTS

Starr Oilfield Services, LLC; and  
Jeffrey Emmett Sistrunk

County of Residence of First Listed Defendant **Tulsa County, Oklahoma**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Darrell L. Barger; Stephanie J. Roark; Victoria L. Ryon  
Hartline Barger, LLP; 8750 N. Central Expy, Suite 1600  
Dallas, Texas 75231: 214-369-2100

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

### V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §§ 1332, 1441

### VI. CAUSE OF ACTION

Brief description of cause:

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

### DEMAND \$

1,000,000.00

CHECK YES only if demanded in complaint:

**JURY DEMAND:**  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

May 3, 2021

### FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**SUPPLEMENTAL CIVIL COVER SHEET  
FOR CASES REMOVED FROM STATE COURT**

THIS FORM MUST BE ATTACHED TO THE CIVIL COVER SHEET AT THE TIME THE CASE IS FILED IN THE UNITED STATES DISTRICT CLERK'S OFFICE. ADDITIONAL SHEETS MAY BE USED AS NECESSARY.

**1. STATE COURT INFORMATION:**

Please identify the court from which the case is being removed and specify the number assigned to the case in that court:

<u>Court</u>	<u>Case Number</u>
224 <sup>th</sup> Judicial District Court of Bexar County, Texas	2020CI22471

**2. STYLE OF THE CASE:**

Please include all Plaintiffs, Defendants, Intervenors, Counterclaims, Crossclaims, and Third Party Claims still remaining in the case and indicate their party type. Also please list the attorney(s) of record for each party named, and include the attorney's bar number, firm name, correct mailing address, and phone number including the area code.

<u>Party and Party Type</u>	<u>Attorney(s)</u>
Plaintiff Metodio Cruz Gallegos, Sr.	Frank W. Robertson Texas State Bar No.: 24033129 froberton@jimadler.com Michael Gomez Texas State Bar No.: 24029578 mgomez@jimadler.com Philip K. Broderick Texas State Bar No.: 24094561 pbroderick@jimadler.com Jim S. Adler & Associates 12605 East Freeway, Suite 400 Houston, Texas 77015 713-335-1021 713-335-1018 (fax)

Defendant Starr Oilfield Services, LLC	<p>Stephanie J. Roark          State Bar No. 24070498          sroark@hartlinebarger.com          Victoria L. Ryan          State Bar No. 24068600          vryon@hartlinebarger.com          Hartline Barger LLP          8750 N. Central Expressway, Suite 1600          Dallas, TX 75231          (214) 369-2100          (214) 369-2118 facsimile</p> <p>and</p> <p>Darrell L. Barger          State Bar No. 01733800          dbarger@hartlinebarger.com          Hartline Barger Llp          800 North Shoreline Blvd.          Suite 2000 – North Tower          Corpus Christi, Texas 78401          (361) 866-8000          (361) 866-8039 facsimile</p>
Defendant Jeffrey Emmett Sistrunk	<p>Stephanie J. Roark          State Bar No. 24070498          sroark@hartlinebarger.com          Victoria L. Ryan          State Bar No. 24068600          vryon@hartlinebarger.com          Hartline Barger LLP          8750 N. Central Expressway, Suite 1600          Dallas, TX 75231          (214) 369-2100          (214) 369-2118 facsimile</p> <p>and</p> <p>Darrell L. Barger          State Bar No. 01733800          dbarger@hartlinebarger.com          Hartline Barger Llp          800 North Shoreline Blvd.          Suite 2000 – North Tower          Corpus Christi, Texas 78401          (361) 866-8000          (361) 866-8039 facsimile</p>

**3. JURY DEMAND:**

Was Jury Demand made in State Court? X Yes \_\_\_\_\_ No

*If "Yes," by which party and on what date?*

Plaintiffs made a Jury Demand in their Original Petition filed with the 224<sup>th</sup> District Court of Bexar County, Texas on November 18, 2020.

**4. ANSWER:**

Was an Answer made in State Court? X Yes \_\_\_\_\_ No

*If "Yes," by which party and on what date?*

Defendant Starr Oilfield Services, LLC filed their Original Answer with the 224<sup>th</sup> District Court of Bexar County, Texas on February 24, 2021.

Defendant Jeffrey Emmett Sistrunk filed his Original Answer with the 224<sup>th</sup> District Court of Bexar County, Texas on \_\_\_\_\_.

**5. UNSERVED PARTIES:**

The following parties have not been served at the time this case was removed:

<b><u>Party</u></b>	<b><u>Reason(s) for No Service</u></b>
None	n/a

**6. NONSUITED, DISMISSED, OR TERMINATED PARTIES:**

Please indicate any changes from the style on the state court papers and the reason for that change:

<b><u>Party</u></b>	<b><u>Reason</u></b>
None	n/a

**7. CLAIMS OF THE PARTIES:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Plaintiff Metodio Cruz Gallegos, Sr.	Generally, Plaintiff alleges negligence against Defendant Jeffrey Emmett Sistrunk for failing to yield to the right of way at a stop sign and failing to pay attention to the roadway around him, causing him to sustain injury. Plaintiff further alleges Defendant Starr Oilfield Services, LLC is vicariously liable for Defendant Sistrunk's negligence and under the theory of respondeat superior.
Defendant Starr Oilfield Services, LLC	Defendant denies Plaintiff's claims and also asserts that appropriate affirmative defenses bar the claims.
Defendant Jeffrey Emmett Sistrunk	Defendant denies Plaintiff's claims and also asserts that appropriate affirmative defenses bar the claims.